

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Liquefied Petroleum Gas

Requests for Waivers

Proposed Amendment: N.J.A.C. 5:18-1.3

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 21:1B-2, 9 and 15

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2003-

Public Hearing: August 19, 2003

Submit written comments by October 3, 2003 to:

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**SUSAN BASS LEVIN
COMMISSIONER**

A **public hearing** on this proposal will be held on August 19, 2003 at 10 am, at the Department of Community Affairs, 101 South Broad Street, Trenton, New Jersey, Conference Room 129. Persons wishing to testify at this hearing are requested to call Cynthia Cordero at (609) 292-7898 in order to facilitate scheduling. Persons with disabilities who require special accommodations are requested to contact Ms. Cordero at that number or by mail at least two weeks prior to the hearing date. Mailing address: PO Box 802, Trenton, NJ 08625-0802.

The agency proposal follows:

Summary

The proposed amendment at N.J.A.C. 5:18-1.3, Compliance, would allow strict adherence to the regulations to be waived where a determination is made that equivalent protection of the public is provided.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment would have a positive social impact because it would allow for variations to the requirements at N.J.A.C. 5:18 when necessary or practical in certain circumstances, without jeopardizing the health or safety of the public.

Economic Impact

The Department anticipates that the proposed amendment would have a positive economic impact because it would allow requirements to be waived where strict adherence is not possible or practical, and safety is not compromised.

Federal Standards Statement

No Federal standards analysis is required because this amendment is not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that the proposed amendment would result in the creation or the loss of jobs.

Agricultural Industry Impact

The proposed amendment would not impact the agricultural industry.

Regulatory Flexibility Analysis

The proposed amendment would benefit “small businesses”, as defined by the Regulatory Flexibility Act, in N.J.S.A. 52:14B-16 et seq., in instances where strict adherence to the rules could be problematic. The proposal does not include new

requirements for professional services or impose any record keeping, reporting, or compliance burdens.

Smart Growth Impact

Due to the subject matter of this proposal, the Department does not expect that it would have any impact upon either achievement of "smart growth" or implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**):

N.J.A.C. 5:18-1.3 Compliance

(a)-(i) (No change.)

(j) Any person seeking a waiver or modification of any requirement set forth in this chapter in a specific situation where strict adherence to the requirement poses a hardship, or where technological advances allow an alternative that provides equivalent protection, may submit a request for such waiver or modification to the Bureau Chief. The application shall include a statement that explains why strict adherence to the regulations would be problematic, or why an alternative would be appropriate and a statement that documents that the alternative(s) requested would be consistent with the intent of the Act and of this chapter and would not result in any increased health or safety risk. The Bureau Chief may grant any such waiver or modification only upon a finding that doing so would not result in any increased health or safety risk and would be consistent with the intent of the Act and of this chapter.